



Federal Conference Report

Sheffield
11th – 13th March 2011

This report contains the policy motions and constitutional amendments passed by Conference, as amended. Defeated motions have not been included. It also includes questions on reports of party bodies.

Policy Motions

Access to Justice

Conference notes that:

- I. The party and the coalition government are committed to the promotion of civil liberties, social justice and the elimination of unnecessary and intrusive state powers brought in by previous governments.
- II. Access to the courts and redress to protect and enforce human and civil rights is an essential component of those rights, as recognised by the European Convention on Human Rights.
- III. Those least advantaged in society are often those who most need assistance in getting access to the courts and legal advice.
- IV. A properly funded system whereby access to justice and the courts is not denied to those otherwise unable to bear the costs is a mark of a modern, civilised and democratic society.
- V. Steps taken by the Labour government in relation to cutting legal aid provision were ill considered and inadequately trialled, as was repeatedly found by the relevant Select Committees.

While recognising the many competing claims upon public funds and the poor economic circumstances bequeathed by the Labour government, Conference calls upon the government to ensure that before any further cuts are made to the Legal Aid budget or new schemes adopted:

- A. Full consideration, assessments and trials are carried as to any proposed changes or reductions before they are introduced; including:

- i) A full examination of how the administration of justice can become more cost effective without reducing the quality of that justice.
 - ii) An examination of alternative methods of funding access to justice.
- B. Those discussions, trials and assessments should study the impact upon:
- i) The access to courts for those on low incomes.
 - ii) The availability and sustainability of a suitable and adequate number of appropriately qualified and experienced lawyers prepared to undertake publicly funded work.
 - iii) The effect of such changes upon the sustainability of legal service providers such as Citizens Advice Bureaux and the burden placed on charities with limited funds providing support facilities to those who, being unable to afford legal representation have to represent themselves in civil and matrimonial matters.
- C. A more strategic approach is adopted by public authorities towards provision, funding and delivery of legal and advice services in communities on issues such as welfare benefits, debt, housing and employment.

Conference further calls upon the government to:

1. Ensure that the legal aid budget is not made to bear costs which should fall elsewhere, by:
 - a) Ensuring that the costs of acquitted persons do not fall upon the legal aid funds;
 - b) Repealing section 41 (4) and (5) Proceeds of Crime Act, 2002 (which prevents restrained funds being used by the person restrained in his own defence).
 - c) Enabling the courts to use cost orders against public or private bodies which bring proceedings unsuccessfully, or unnecessarily such as acting in breach of pre-action protocols.
2. Make the necessary savings from the budget of the Ministry of Justice by significantly reducing the prison population and investing more in community orders and penalties and constructive alternatives to criminalisation.

Furthermore, conference calls for the government to:

- I) Before undertaking any further changes to Legal Aid, commission an independent study on the overall cost to public funds due to the impact on other budgets and other government departments as a consequence of any loss of access to adequate legal advice by those with housing, immigration, employment and education cases.

- II) Ensure that proper consideration be given for the scope for savings to be made by improvements in Legal Services Commission decision-making and by reducing the costs of appeals by raising the quality of first decisions by public authorities.
- III) Reject any changes to Legal Aid which lead to significant reductions in access to justice, a lack of sustainability of public funded legal services or false economies as a result of knock-on costs to public funds of cuts to legal aid.

Applicability: England and Wales.

Back ground Briefing: This motion established new policy on legal aid, in light of changes made by the Ministry of Justice.

Previous policy on legal aid is set out in conference motion Legal Aid (2008) and policy paper 72, Stronger Families, Brighter Futures (2006).

Conference voted to add the text commencing ‘Furthermore Conference calls for the government to’ and points I, II and III.

Community Futures (Voluntary Sector and Volunteering Policy Paper)

Conference believes that:

- i) Community and voluntary organisations, by virtue of their independence, are a powerful means by which citizens can shape and change society. They unite people who are passionate about particular causes and in doing so they not only foster a sense of community and empower people to challenge the state and large corporations, but also counteract the disconnection and atomisation of today’s society.
- ii) A vibrant, independent community and voluntary sector, working alongside government and the private sector, enriches social, environmental and economic well-being. Government, national and local, must support the development and modernisation of voluntary organisations and social enterprises to inspire the next generation of active citizens.

Conference therefore endorses policy paper 98 *Community Futures* and shares its vision of a future in which strong, independent voluntary and citizen-led community organisations, working in partnership with national and local government and the private sector, build safe, sustainable communities in which individuals and communities thrive. Conference in particular welcomes the proposals to:

1. Capitalise on the wealth of experience in the voluntary sector and build vibrant community organisations which engage the next generation through:

- a) Supporting modernisation programmes designed to enable voluntary organisations to update their infrastructure, IT and business development skills and social networking skills.
 - b) Simplifying regulation for charities, for example by standardising information reporting requirements and making the Charity Commission the sole regulator for both incorporated and unincorporated charities.
2. Enhance the capacity of charities and social enterprises through:
- a) Encouraging the Charity Commission to develop joint programmes with other infrastructure organisations to ensure that all charities have access to good practice.
 - b) Working with the Small Charities Coalition, the National Association for Voluntary and Community Action, and Local Authorities to improve support to local community organisations and volunteers in statutory organisations such as school governors.
 - c) Negotiating a UK-wide insurance package, available from major insurers, to provide comprehensive coverage for the vast majority of volunteering, local activity and celebrations.
- 3 Assist companies and voluntary organisations to design, set and maintain standards of good ethical, environmental and social practice through:
- a) Supporting a pilot programme to modernise Corporate Social Responsibility by developing a network of Professional Services Working Groups across the country, so that voluntary organisations have access to services such as lawyers, accountants and architects.
 - b) Working with a range of organisations to develop a new Community Benefit Index in which companies are encouraged to maximise their 'community footprint'.
- 4 Support the role played by voluntary and community organisations in convincing policy makers and the public of the need to adopt sustainable policies and technologies through:
- a) Encouraging local authorities to provide advice and resources to schools, residents and tenants associations and other community groups to enable them to take an active role in managing open spaces to make them as attractive as possible for people and wildlife.
 - b) Working with environmental NGOs to promote individual and community actions which take forward the green agenda in practical ways.
- 5 Help voluntary organisations to compete for public service contracts on equal terms with statutory and private sector providers through:

- a) Reviewing the implementation of the European Commission Directive 2004/18/EC to ensure that small charities are not being unfairly excluded and that the rules are being implemented with the flexibility which member states are entitled to determine.
 - b) Encouraging the development of public sector contracts which require bidders to demonstrate how they will develop social capital.
 - c) Ensuring that public services are delivered without unjustified discrimination against service-users or employees, by amending equalities legislation to narrow the exemption granted to organisations with a religious ethos , and in the interim requiring public sector commissioners to include non-discrimination clauses in their contracts with providers.
- 6 Encourage a range of different forms of charitable giving, and make it easier for charities to raise and earn income, through:
- a) Setting up a series of initiatives, in partnership with the private sector, to promote digital giving.
 - b) Modernising Gift Aid, by enabling online declarations and reclaims.
- 7 Promote social investment through:
- a) Piloting programmes under which Local Authorities could act as guarantors for new local investment instruments, up to a specified limit.
 - b) Establishing, in partnership with private investors, a high risk investment fund to enable innovative projects with the potential to transform the voluntary and community sector to be supported through early stage research and development.
 - c) Reviewing the legislation which governs programme related investment so that foundations would be able to invest in social good rather than always investing for return.
 - d) Encouraging a much larger community banking and community development finance institution sector, funded – as it is in the USA – by the big banks in lieu of the loans which they find it difficult to make to small business and social enterprises themselves.
8. Encourage volunteering as a welcome addition to, rather than a substitute for, statutory service provision, and to increase active citizenship through:
- a) Engaging young people in designing new systems to incentives volunteering.
 - b) Commissioning research into volunteering programmes to be run by small and medium enterprises.
 - c) Encouraging a major increase in voluntary activity through public services, so that service units like schools, surgeries or housing estates also become volunteering hubs and catalysts, capable of using the resources that their

users represent to reach out and rebuild local neighbourhood life and mutual support.

Applicability: Federal.

Background Briefing: This motion and the accompanying policy paper created new policy to help voluntary groups and charities as well as encourage social investment by making it easier for charities to raise and earn income.

Previous policy on voluntary groups and charities is set out in the General Election Manifesto Change That Works For You (2010), policy paper 77, Green and Prosperous Communities (2009), policy paper 80, Freedom from Poverty, Opportunity for All (2007), conference motion Fair Foundations (2004) and conference motion Volunteering (2003).

Disability Living Allowance – Mobility Component

Conference is very concerned by the recent proposals to the mobility component of the new Personal Independence Payment (replacing Disability Living Allowance) from people in residential care and from children in residential schools with effect from October 2012.

Conference welcomes the Coalition Government's review of the previously announced intention to remove the Mobility Component of DLA for people in residential care. Conference notes the work being undertaken by the Department for Work and Pensions to determine the extent of any overlap between DLA support and support via Local Authorities for those in residential care, and whether this justifies reducing or removing the mobility component of this important allowance.

Conference notes that

- a) The impact of completely removing or reducing the Mobility Component from people in residential care would be that up to approximately 80,000 people would be at risk of losing this support, and that many of these people could be prevented from enjoying the freedom of movement that is taken for granted by people who are not disabled.
- b) The impact of the withdrawal of this benefit would be particularly severe for adults who depend on the Personal Expenses Allowance of £22.30 per week because all their income is taken to pay for their care and that as the PEA has to cover all personal spending including clothes, toiletries and mobile phone, there is normally no spare money to pay for transport.
- c) Completely removing or reducing the Mobility Component of DLA for those in residential care could significantly affect the poorest recipients.

- d) Reducing or removing the DLA Mobility Component may mean that children in residential schools are unable to engage with the wider community or experience the same opportunities to develop independence and life skills as their non-disabled peers and may be prevented from enjoying family visits.
- e) Any government proposal on the Mobility Component of DLA should accord with the principle of fairness.
- f) These changes may amount to a breach of the UK's obligations under Human Rights Conventions

Conference therefore:

1. Calls on the Coalition Government not to remove the Mobility Component completely and to ensure sufficient funding for the mobility needs of those who cannot afford to fund their needs themselves.
2. Calls on the Coalition Government to ensure that any reductions to the Mobility Component are based on clear evidence that the cost of that support is provided via other funding means.
3. Reminds the Coalition Government of its obligations under Human Rights Conventions namely Article 20 (Personal Mobility) of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child Article 31.
4. Re-affirms the Party's commitment to the principle of fairness in implementing all cuts.
5. Resolves to campaign against a restriction to mobility support.

Applicability: Federal.

Background Briefing: This motion created new policy on the specific issue of proposed changes to the Mobility Component of the Disability Living Allowance.

Previous policy on the Disability Living Allowance is set out in the General Election Manifesto Change That Works For You (2010) and in policy paper 80, Freedom from Poverty, Opportunity for All (2007).

Conference voted to delete 'regrets the recent decision to remove' and insert 'is very concerned by the recent proposals to reduce' in the first line.

Conference voted to insert the paragraph starting 'Conference welcomes the Coalition Government's review of the previously announced intention...'

Following ‘Conference notes that’, Conference voted to delete ‘ a) the impact of this decision is that approximately 80,000 people are at risk of losing this support and that many of these people will be prevented from enjoying the freedom of movement that is taken for granted by people who are not disabled’ and insert paragraph a).

Conference voted to delete the word ‘will’ in point b) and replace it with ‘would’.

Conference voted to delete the original wording of point c), ‘The outcome of the cut for adults is not in accord with the principle of fairness because it affects the poorest recipients and allows those people to pay for their own care to retain the Mobility Component’ and replace it with the current paragraph c).

Conference voted to delete ‘Children in residential schools may be’ and insert ‘Reducing or removing the DLA Mobility Component may mean that children in residential schools are’ in paragraph d).

Conference voted to delete the original wording of point 1 which read ‘Calls on the Coalition government to reinstate the Mobility Component or otherwise fund the mobility needs of those who cannot afford to do so themselves’ and insert the current paragraph 1.

Conference voted to insert point 2.

Conference voted to delete ‘for this restriction in Mobility Allowance to be reversed at the earliest opportunity’ from point 5 and to replace it with the current wording.

Taking Responsibility (Youth Justice Paper)

Conference notes that although it is a minority of young people that commit crimes and acts of anti-social behaviour, those actions can lead to fear and misery in local communities.

Conference also notes that while young people are more likely than older people to be the perpetrators of crime they are disproportionately the victims of crime as well.

Conference welcomes the fact that from October 2002 to November 2010, the number of children in custody fell by a third from 3,175 to 2,045.

Conference endorses Policy Paper 99, *Taking Responsibility* as a statement of the party’s key policies on youth justice and especially welcomes the proposals to:

1. Invest in preventing youth crime by:
 - a) Supporting children with misconduct problems before they reach school through Surestart services.

- b) Promoting a ‘whole family’ approach towards offending children by engaging parents, grandparents and others to take responsibility for them through family mentoring schemes like those used in New York.
 - c) Encouraging Local Government, the voluntary sector and local communities to offer the opportunity for young people to engage in valuable diversionary activities.
 - d) Establishing systems across government to gather evidence of and to measure the long-term savings that accrue from early intervention so as to promote future investment.
2. Empowering local communities to better deal with the policing of youth crime by:
- a) Encouraging Police Officers to use their discretion to deal with youth offending such as by adopting a problem-solving approach rather than unnecessarily arresting young people who admit responsibility.
 - b) Giving local people a direct say in crime and policing in their areas through the empowering of Police Authorities, including the right to set local policing priorities.
3. Ensure more appropriate treatment of children in the justice system by:
- a) Recognising that the criminal courts are not the most effective place to deal with younger children suspected of committing criminal acts and, accordingly, raising the age of criminal responsibility in England and Wales to 14.
 - b) Holding those under 14 who know right from wrong accountable for their criminal acts through the use of panels of specially trained people with the power to impose a range of measures, including exceptionally secure accommodation, with the aim of reducing re-offending and avoiding the imposition of a damaging lifelong criminal record.
 - c) Abolishing Anti-Social Behaviour Orders for young people in favour of local solutions that actually work in dealing with unacceptable conduct, such as Acceptable Behaviour Contracts; and the use of the courts or specially trained panels for serious criminal behaviour.
 - d) Decriminalising children in circumstances where they are best treated as victims, for example in the case of child prostitutes.
 - e) Protecting young people through educating them rather than by criminalising them in the context of victimless crimes, such as in the case of some consensual sexual acts between those under 16.
4. Promoting effective alternatives to custody by:
- a) Reserving the use of secure accommodation for repeat offenders, those for whom previous sentences have failed and those considered a danger to themselves or others.

- b) Stopping its use for technical breaches of license, which are better dealt with by the Youth Offending Team.
 - c) Increasing the use of Intensive Fostering as an alternative to custody.
 - d) Providing stringent, intensive mental health and drug and alcohol treatment to those young people who need it.
 - e) Extending the use of Restorative Justice programmes such as the Northern Ireland Youth Conference System, which require the offender to confront their behaviour and make reparation.
 - f) Extending the use of other community sentences where possible.
 - g) Encouraging the devolution of custody costs so as to provide a financial incentive for Local Authorities and others to invest in community-based measures to prevent further offending.
5. Putting rehabilitation at the heart of custodial provision by:
- a) Ensuring that such accommodation is as small and local as is safely feasible to ensure that young people are not institutionalised and can maintain links with their family and community.
 - b) Banning painful ‘distraction techniques’ and permitting the use of physical restraint only to prevent harm or escape.
 - c) Requiring local authorities to be responsible for the education of children in custody to ensure that they continue to study.
 - d) Implementing a targeted rehabilitation programme for offenders involved in gun, knife and gang crime.
 - e) Improving the provision of mental health and drug and alcohol related treatment in custody.
6. Assisting those leaving custody to re-build their lives by:
- a) Ensuring that they have suitable accommodation upon release by changing Housing Benefit rules to allow provision to be made beforehand and by guaranteeing them the same entitlements as those leaving care.
 - b) Promoting mentoring schemes that work with the offender whilst in custody but which ensure that they can be supported upon release by, for example, having them met at the gate if they choose, taken to their new accommodation and assisted in finding work.
 - c) Ensuring that, save for the most serious violent or sexual offences, convictions for those who were under 18 at the time are treated as ‘spent’ after 12 months and need not be disclosed save for reasons of public safety or for applications for jobs involving young people or vulnerable adults.
7. Adopting a new approach to 18-24 year olds by applying some of the same proposals including, for example, the measures to divert young people from the criminal justice system, a replacement of short custodial sentences with more effective community ones and, where custody is inevitable, holding

them separately from older offenders and providing effective post-release support.

8. In addition, conference is concerned about the introduction of Labour's so called 'Gangbo' as a civil Order and notes the proposals for a new Criminal Behaviour Order. Whilst welcoming the coalition government's abolition of ineffective ASBOs, conference further calls on Liberal Democrats in government to ensure that the new Order is not a mere change of label, and that no Order shall be granted without the rigorous application, as the name implies, both of the criminal rules of evidence and procedure and the criminal standards of proof.

Applicability: England and Wales.

Background briefing: This motion and the accompanying policy paper created new policy in the field of youth justice and in particular on alternatives to youth custody. They also update and develop policy on rehabilitation.

Previous policy on youth crime and justice is set out in policy paper 78, Together We Can Cut Crime (2007) and policy paper 51, Justice and the Community (2002).

Conference voted to reject an amendment that sought to:

delete 'to 14' in point 3. a) and insert 'from 10 to 12 as has been done in Scotland'.

delete point 3. b) and insert:

- b) Requiring authorities specifically to consider, before prosecuting any child of 12 or 13 years, whether it would not be better in the public interest to refrain from prosecution, having regard to his or her age and the undesirability of imposing criminal records on children.
- c) Providing that where a child of 12 or 13 years is charged with an offence and it is contended on behalf of the child he or she lacks sufficient understanding of the difference between right and wrong for a prosecution to be justified, that issue will be tried on the balance of probabilities by the court before a prosecution is permitted to proceed.'

Conference voted to insert point 8.

Tougher Action on Banks and Bonuses

Conference notes:

- A. The importance of a healthy banking system to the future of Britain's economy.

- B. The regrettable failure of decades of ‘light-touch’ regulation that socialise risk and privatises extraordinary profits at the expense of sustainable investment and growth.
- C. That Liberal Democrats have long emphasised the need to tackle disproportionate rewards for risky financial behaviour and the concentration of power in the hands of a few in the City of London.
- D. That the Independent Banking Commission is likely to postulate significant reform later this year.

Conference therefore welcomes the aims of the recent ‘Project Merlin’ agreement with the UK’s leading banks to:

- i) Increase the credit available to British businesses.
- ii) Improve transparency over executive pay.
- iii) Reduce the overall bonus pool.

However, Conference is concerned that:

- a) The ‘Merlin’ reforms are insufficient.
- b) The language of the ‘Merlin’ agreement is weak and will be hard to enforce, particularly with regards to net lending to business and transparency on bankers’ remuneration, with no disclosure requirement for the highest earners not on the Board.

Conference therefore calls on Liberal Democrats in Parliament and most importantly those in Government, to ensure that the recommendations of the Vickers Commission are carried out promptly and in full. Conference calls for:

1. Banks supported by the taxpayer to be broken up into smaller, safer entities, with effective competition restored and full disclosure of all pay packages larger than that of the Prime Minister while they remain State-owned.
2. All large-scale banks to divest their investment banking arms, with no explicit or implicit State guarantee for this activity.
3. Pay transparency to be extended to highly paid traders and other employees, not just Executives, with salary and bonuses that exceed an agreed ratio to median salary to be published alongside an explanatory justification.
4. Large financial institutions to hold greater capital reserves and to make ‘living will’ arrangements to act as stabilisers in the event of further market failures such as those seen during the recent financial meltdown.
5. The imminent Green Investment Bank to be a fully functional bank and not a fund, securing much-needed investment in low-carbon technology and jobs.

6. Measures to tackle financial exclusion for individuals and small business, with a Basic Banking guarantee; a public bank administered through Post Offices; a commitment from high street banks to provide fee-free ATMs within walking distance of all deprived communities; as well as reducing unfair bank, credit card and loan charges.
7. Greater support for local credit unions and mutuals.

Applicability: Federal.

Background briefing: This motion created new policy and updated previous policy on banking. In particular it created new policy in response to the Project Merlin agreement.

Previous policy on banking in general is set out in the General Election Manifesto Change That Works For You (2010). Previous policy on credit unions and community banking is set out in policy paper 45, Local Economies, Local Choice (2001).

Updating the NHS: Personal and Local

Conference believes that the NHS is an integral part of a liberal society, reflecting the social solidarity of shared access to collective healthcare, and a shared responsibility to use resources effectively to deliver better health.

Conference welcomes our Coalition Government's commitment to the founding principles of the NHS: available to all, free at the point of use, and based on need, not the ability to pay.

Conference welcomes much of the vision for the NHS set out in the Government's White Paper, *Equity and Excellence: Liberating the NHS* which commits the Government to an NHS that:

- i) Is genuinely centred on patients and carers.
- ii) Achieves quality and outcomes that are among the best in the world.
- iii) Refuses to tolerate unsafe and substandard care.
- iv) Puts clinicians in the driving seat and sets hospitals and providers free to innovate, with stronger incentives to adopt best practice.
- v) Is more transparent, with clearer accountabilities for quality and results.
- vi) Is more efficient and dynamic, with a radically smaller national, regional and local bureaucracy.

vii) Gives citizens a greater say in how the NHS is run.

Conference particularly welcomes the proposals to introduce real democratic legitimacy and local accountability into the NHS for the first time in almost forty years by:

- a) Extending the powers of local authorities to enable effective scrutiny of any provider of any taxpayer funded health services.
- b) Giving local authorities the role of leading on improving the strategic coordination of commissioning across the NHS, social care, and related children's and public health services through councillor led Health and Wellbeing Boards.
- c) Creating Health Watch to act as a local consumer champion for patients and to ensure that local patients are heard on a national level.
- d) Returning public health duty to local government by ensuring that the majority of public health services will now be commissioned by Local Authorities from their ring-fenced public health budget.

Conference recognises however that all of the above policies and aspirations can be achieved without adopting the damaging and unjustified market-based approach that is proposed.

Conference regrets that some of the proposed reforms have never been Liberal Democrat policy, did not feature in our manifesto or in the agreed Coalition Programme, which instead called for an end to large-scale top-down reorganisations.

Conference therefore calls on Liberal Democrats in Parliament to amend the Health Bill to provide for:

- I) More democratically accountable commissioning.
- II) A much greater degree of co-terminosity between local authorities and commissioning areas.
- III) No decision about the spending of NHS funds to be made in private and without proper consultation, as can take place by the proposed GP consortia.
- IV) The complete ruling out of any competition based on price to prevent loss-leading corporate providers under-cutting NHS tariffs, and to ensure that healthcare providers 'compete' on quality of care.
- V) New private providers to be allowed only where there is no risk of 'cherry picking' which would destabilise or undermine the existing NHS service relied

upon for emergencies and complex cases, and where the needs of equity, research and training are met.

- VI) NHS commissioning being retained as a public function in full compliance with the Human Rights Act and Freedom of Information laws, using the skills and experience of existing NHS staff rather than the sub-contracting of commissioning to private companies.
- VII) The continued separation of the commissioning and provision of services to prevent conflicts of interests.
- VIII) An NHS, responsive to patients' needs, based on co-operation rather than competition, and which promotes quality and equity not the market.

Conferences calls on:

1. The Government to uphold the NHS Constitution and publish an audit of how well organisations are living by its letter and spirit.
2. Liberal Democrats in local government to establish local Health and Wellbeing Boards and make progress developing the new collaborative ways of working necessary to provide joined up services that are personalised and local.
3. The Government to seize fully the opportunity to reverse the scandalous lack of accountability of publicly-funded local health services which has grown up under decades of Conservative and Labour governments, by:
 - a) Ensuring full scrutiny, including the power to require attendance, by elected local authorities of all organisations in the local health economy funded by public money, including Foundation Trusts and any external support for commissioning consortia; ensuring that all such organisations are subject to Freedom of Information requirements.
 - b) Ensuring Health and Wellbeing Boards (HWBs) are a strong voice for accountable local people in setting the strategic direction for and co-ordinating provision of health and social care services locally by containing substantial representation from elected local councillors; and by requiring GP Commissioning Boards to construct their Annual Plans in conjunction with the HWBs; to monitor their implementation at meetings with the HWBs not less than once each quarter; and to review the implementation of the Annual Plan with the HWBs at the end of the year prior to the construction of the Annual Plan for the forthcoming year.
 - c) Ensuring commissioning of health services has some degree of accountability by requiring about half of the members of the board of

commissioning consortia, alongside GPs, to be local councillors appointed as non-executive directors.

- d) Offering additional freedoms only to Foundation Trusts that successfully engage substantial proportions of their local populations as active members.

Applicability: England.

Background briefing: This motion updated policy in light of the Government's White Paper, Equity and Excellence: Liberating the NHS.

Previous policy on the NHS is set out in the General Election Manifesto Change That Works For You (2010), policy paper 94, A Fresh Start for Britain (2009), policy paper 84, Empowerment, Fairness and Quality in Healthcare (2008) and policy paper 68, Healthy Communities, Healthy People (2004).

Conference voted to insert the words 'much of' into the paragraph beginning 'Conference welcomes'.

Conference voted to insert the words starting 'Conference recognises however that all of the above...' up to and including point VIII).

Conference voted to insert points 3 a), b), c) and d).

Conference voted to delete from the original motion the words:

Conference notes that whilst spending on the NHS has risen significantly in recent years this investment has not been matched in terms of productivity or healthcare outcomes for patients.

Conference notes with regret that:

- A. 23% of cancer patients are only diagnosed when they turn up as emergencies.
- B. England continues to have poorer survival rates for bowel, breast and lung cancer than Australia, Canada, Sweden and Norway.
- C. Premature mortality rates from respiratory disease are worse than the EU-15 average.

Conference notes that if NHS was performing at the level of the best in Europe in cancer survival 10,000 lives could be saved every year and therefore, recognises the importance of updating the NHS to ensure that it is able to deliver world class outcomes and value for money for taxpayers.

Business Motions

Improving the Diversity of our MPs

Conference notes with concern that at the General Election in 2010, the party did not improve the number of women MPs, and does not have any black or minority ethnic (BAME) MPs at present. Conference also notes that in June 2010, the President and Leader asked Federal Executive to commission a Candidates Review, to be written by Sal Brinton, and following the Diversity Motion passed at Federal Conference in September 2010, the Federal Executive asked Sal Brinton to extend the scope of her review to address the issues covered in the motion, and to propose a course of action for the party to address the diversity deficit, and to improve it at the next general Election.

Conference further notes that the Party is clearly divided over the issue of compulsory short lists (all women short lists, and a percentage of BAME candidates).

Conference therefore agrees:

1. That Diversity champions should be mainstreamed throughout the party: the only way to improve the diversity of our MPs is to improve the diversity of our party itself:
 - a) Regions will set themselves targets for improving the diversity of approved candidates, Prospective Parliamentary Candidates (PPCs), Assessment Centre staff and Returning Officers.

- b) Regions and local parties will actively encourage members and supporters from under-represented groups to become more active in the party, including standing for election.
2. The creation of a Leadership Programme for outstanding candidates from under-represented groups, which will:
 - a) Have a maximum number of approved candidates, with a minimum of 30 by the end of 2011, and within that, 50% of the places will be reserved for women, and 20% for those from BAME backgrounds, 10% for those with disabilities and finally ensuring that all other under-represented groups are considered within the remaining 20% of places including those who are openly 'out' Lesbian, Gay, Bisexual and Transgender candidates and those from lower income backgrounds.
 - b) Provide advanced training and support, particularly in media, leadership and team building skills, and fundraising.
 - c) Provide mentoring and coaching from the moment they are approved as a candidate until after the election day.
 - d) Offer them opportunities to shadow a Parliamentarian.
 - e) Raise funds to provide practical support to PPCs from under-represented groups.
 3. Selection for the Leadership Programme will be based on competencies, references and an interview with the Programme Panel, and membership of the Panel will be agreed and might include an MP, a Peer, a Federal Executive representative, a Campaigns representative and a member of the Diversity Engagement Group, with the process to be run by the Diversity Unit at Federal Party Headquarters.
 4. Where candidates from the Leadership Programme apply to a priority seat at least two candidates from the Leadership Programme should be shortlisted on their short list.
 5. Groups of Development Seats should get together to advertise and recruit PPCs in clusters, using the Region's targets for shortlisting (eg 50% women candidates, and a relevant local ethnic minority percentage).
 6. The Federal Executive should review progress of the Leadership Programme and the other arrangements in the Candidates Review in 2013, and consider more urgent action if not sufficient candidates from under-represented groups have been selected in our priority seats.

Applicability: Federal

Background briefing: Conference voted to delete the word 'and' from between 'backgrounds' and '10%' in point 2 a) and insert the words following 'and finally' to the end of that point.

Strategy, Positioning and Priorities

Conference notes:

1. The Liberal Democrats decision after the 2010 General Election to join a coalition government with the Conservative Party in order to take the action needed to deal with the severe financial and economic crisis.
2. The inclusion in the Coalition Agreement of many Liberal Democrat policies from the Liberal Democrat 2010 Election Manifesto and the subsequent success by Liberal Democrat Ministers in implementing these policies.
3. The continuing strong and effective leadership of the Party's Leader and his team.
4. The importance of communicating to the public the distinctiveness of the Liberal Democrats and our contribution to the programme of the coalition Government.

Conference asserts that:

- A. The Liberal Democrats will fight the next General Election in Great Britain as an independent Party without any pacts or agreements with any other party and presenting our Manifesto as the clear and distinct basis for liberal government.
- B. The Liberal Democrats will fight elections as an independent Party for the Scottish Parliament, the Welsh Assembly, the European Parliament and local authorities throughout Great Britain.
- C. The Liberal Democrats intend to enter the next General Election campaign with no preference for potential future coalition partners.
- D. Following the next General Election, the Liberal Democrats will decide on their position in relation to government bearing in mind:
 - i) The will of the British people expressed at the ballot box.
 - ii) The Party's Manifesto.
 - iii) The political position and capacity to govern of other parties.
 - iv) Where relevant circumstances apply] the ability to reach an agreed programme of acceptable policies to ensure a stable Coalition Government.

Conference endorses the five key goals of the Federal Executive's Strategic Plan for the Party, specifically:

- I. To build the Party's appeal for the 2015 General Election, ensuring and communicating the effectiveness and distinct identity of the Party both as part of an effective government and as a strong and distinctive voice inside and outside the coalition.
- II. To win elections in 2011 and beyond, including the referendum on the Alternative Vote, elections to the Scottish Parliament and Welsh Assembly, local authorities and the European Parliament.
- III. To reflect more effectively the diversity of the Party and the country in our elected representatives at every level.
- IV. To build further and to maintain a cohesive Party, building capacity, membership and support and communicating effectively with all members and leaders.
- V. To widen and build the Liberal Democrat movement, recognising the wider support in communities and interests for liberal ideas and principles.

To assist in the party projecting a distinct and effective identity, Conference:

1. Urges all Liberal Democrats, including parliamentarians and ministers, to demonstrate to the wider public the specific contribution that we have made to the programme of the Coalition Government by identifying:
 - a) Those policies which derive from the Liberal Democrat's existing and emerging policy platform.
 - b) Those aspects of Government policy which Liberal Democrats have changed to be more consistent with our principles and beliefs
 - c) Those aspects of Government policy which originated from the Conservative party policy platform
2. Calls for the programme of the Coalition Government in the second half of the Parliament to include Liberal Democrat priorities drawn from our manifesto and policies, and for such a programme to be agreed by the Federal Executive and Federal Policy Committee.
3. Calls for there to be appropriate consultation through the Federal Executive and Federal Policy Committee, when significant new Government policies are proposed, which are not included in the Coalition agreement and which conflict with Liberal Democrat policy or principles.
4. Calls on the Federal Executive and the Federal Policy Committee to:

- a) Review, in consultation with the Parliamentary parties, the challenges of coalition which have an impact on the independence of the party, its policy position or its freedom of political movement.
 - b) Report back on whether the existing constitutional provisions and other arrangements are sufficiently democratic.
 - c) Propose recommendations, for any constitutional amendments or other protocols which may be needed, in time for debate in September 2011.
5. Calls for the development of a radical distinctive and progressive set of Liberal Democrat policies for the next election, and such policy, although informed by the programme and record of the coalition Government, should be derived totally independently of the views of our coalition partners.
 6. Requests the relevant party Committees and departments to develop ways of working that enable us to campaign effectively on a national level against all our future opponents well before the next general election.

Conference re-asserts that the UK Liberal Democrats are based firmly in the historical and global traditions of the liberal and social democratic philosophy and beliefs and commits the Party to developing a promoting the clear narrative setting out what modern liberalism is and can do.

Applicability: Federal

Background briefing: Conference voted to insert points 2, 3 and 4 a), b) and c).

Questions on Reports to Conference

Report of the Federal Conference Committee

Question 1 from Andrew Hudson:

What steps has Federal Conference Committee taken to ensure venues are compliant with Articles 10 and 11 of the European Convention on Human Rights?

Response from Andrew Wiseman (Chair, Federal Conference Committee):

Having looked at Articles 10 and 11 of the European Convention on Human Rights, they cover a range of issues including the freedom of expression, the right to organise trade unions and the right to protest. This party will always uphold these rights and will continue to ensure that all venues used for party conferences are compliant.

Supplementary Question:

At Liverpool Conference, September 2010, a man was arrested for waving a placard. Would the chair comment on this?

Response:

I cannot refer to a particular individual and cannot comment on specific cases. I am aware that there was an individual arrested and charged and the charges have since been dropped. I was advised by the police that it was a serious incident that occurred and I have since been informed that the Crown Prosecution Service have dropped the charges against that individual.

Question 2 from John Brace:

Security previously has confiscated sugar needed by a diabetic, waiting also causes problems for those with reduced mobility. Journalists have also had their equipment confiscated. I went on a Royal Navy frigate (HMS Campbeltown) without a search or showing ID. Why is conference any different? What has been learnt?

Response from Andrew Wiseman (Chair, Federal Conference Committee):

In relation to security procedures on a Royal Navy frigate, I cannot comment. I am not aware of any such incident occurring and have received no complaints from members that relate to such an incident. Throughout conference we held two security meetings a day and such an incident was never brought to my attention. As far as I am aware no sugar has ever been confiscated from an attendee at conference.

Supplementary Question:

The sugar in question was in a bottle of water. The security here is better than at Liverpool. We were told to arrive early and did so, although saw some MPs being taken in, looking quite embarrassed. Can there be better communication about security matter in the future?

Response:

Doors open in the mornings at 8.30am. We can look at opening them earlier if that assists with queuing. We will continue to look at how we communicate every aspect of conference, including security.

Question 3 from Dr Ann Morrison:

Why has conference registration been restricted to on-line only?

Why was this decision not put to conference and/or communicated to local parties beforehand?

Are you prepared to rescind it or at the very least allow a little democratic discussion of the issue?

Why have none of my many e-mails on this issue been answered?

Why was the decision to restrict registration to conference to on-line only left out of the conference report?

A decision that makes access to conference difficult for many members should at the very least be explained in the report to the members, not ignored totally.

A party that claims to be inclusive but excludes members without on line access is a disgrace.

Response from Andrew Wiseman (Chair, Federal Conference Committee):

This comes down to communication. To answer one of your questions, there was an error made with the emails and several emails were not forwarded onto me from the account that they were sent to. In this instance the communication has been unacceptable. You are always welcome to email me directly. With regard to the online registration, security has increased significantly and as there are lots more people coming to conference, we now have to handle a huge amount of personal data. Handling that data online is much more secure and safer. If we received hard copies of information paper would have to be sent through the post, typed in by a third party and then filed. That is not as secure an approach.

To answer your question about computer access I would encourage members to use other members' computers, visit libraries and use friends' computers. We have offered to register some members by telephone in some cases, although I am uncomfortable with the nature of data involved with that particular process. A move to online registration could have been communicated better and we will continue to look into this matter.

Supplementary Question:

Library computers are not secure. The party must retain a non-online option to register.

Response:

FCC will look at whether it is possible, to retain an option for those that don't have access to a computer. There is too much data for it to be anything by the exception however. FCC will look at this issue.

Report of the Federal Executive

Question 1 from Mark Pack:

The report makes only very brief mention of several important topics (e.g. the party's KPIs and review into the general election, for neither of which are details provided). Overall it is far shorter than previous FE reports; with for example less than a third of the words of that from the first spring conference after the 2001 general election. Will the FE consider providing more substantive reports in future?

Response from Tim Farron MP (President of the Liberal Democrats):

Federal Executive will certainly look at this issue for further reports. There is information about the general election that is more confidential so we have to consider what we publish.

Question 2 from Antony Hook:

Has progress been made towards the creation of an Ethics Board for the party as recommended by the Bones Report?

Response from Tim Farron MP (President of the Liberal Democrats):

We do have an ethics board, to oversee and approve donations to the party. It is staffed by members who are not involved in the day to day running of the party. The committee meets and one of their roles is to approve and sign off on any donations over £25,000.

Report of the Federal Finance and Administration Committee

Question 1 from John Brace@

Couldn't Cowley Street have a paid volunteer co-ordinator, to recruit and manage volunteers to aid the paid staff?

Response from Duncan Greenland (Chair, Federal Finance and Administration Committee):

This is more an issue for the membership office. We can certainly look into the potential of the role of volunteer co-ordinator but there will be cost involved.

Question 2 from Hywel Morgan:

The projected budget for 2011 lists £749,000 fundraising income. This compares to £191,000 projected fundraising income for 2010. Could the Treasurer explain further how this figure was arrived at and does it represent an achievable target.

Response from Duncan Greenland (Chair, Federal Finance and Administration Committee):

Over £4million was raised through the general election, and after careful analysis we believe the £749,000 is an accurate and achievable figure.

Report of the Diversity and Engagement Group

Question 1 from John Brace (Birkenhead):

To improve things we need to have effective mechanisms of dealing with discrimination when it happens within the party whether it be sexism, racism, ageism or others. What can be done to achieve the shift in attitudes and working practices necessary to achieve this?

Response from Baroness Brinton (Chair, Diversity Engagement Group):

The party has the structures set in place to deal with discrimination and are constantly reviewing this matter. Matters relating to employment are clearly within the remit of the Chief Executive of the Party, and wider strategic issues about discrimination fall to the federal Executive. And on a more positive note, I am hoping today's Diversity motion will give us a strong framework to promote excellent candidates from under-represented groups.

Report of the Campaign for Gender Balance

Question 1 from John Brace:

100 years ago suffragettes boycotted the 1911 census and waged a high profile campaign for votes for women. I have selected many, many candidates for public office and encouraged women to stand. However why does the party still make it more difficult for women candidates?

Response from Ros Gordon (Chair, Campaign for Gender Balance):

I don't agree with the premise that the party makes it difficult for women to become candidates. The process is certainly a long one that takes time and costs money.

Supplementary Question:

How can we change the poor representation of female candidates locally and nationally?

Response:

Locally is harder as the remit of the Campaign for Gender Balance doesn't apply to councillors. Simply put, we need to attract more members. With an enhanced membership we can draw on a more diverse range of candidates.

Reports of the Parliamentary Parties

Question 1 from Gareth Epps:

Liberal Democrats have long been opposed in principle to monopolies of cross-media ownership such as that handed on a plate to Rupert Murdoch by the Conservative Secretary of State. Given that our policy has not changed, and that no meaningful assurances can be or indeed have been offered by Murdoch, why are our spokespeople outside Government now publicly supporting Conservative and not Liberal Democrat policy?

Response from Alistair Carmichael MP (Commons Chief Whip):

This is really a question for the DCMS Parliamentary Party Committee. There are two issues with this matter. The first is competition, which is a matter for the EU and is governed and decided by EU law. The second is plurality, which is governed by the independent regulators and was considered by the UK Government, specifically, the Secretary of State. By law, DCMS was required to consult on the matter and to see if the parties involved could come up with a mitigating solution and they did, which the regulators agreed to. It was this process that Don Foster commented upon and I do not believe that there was anything improper about him doing so.

Response from Lord McNally (Leader in the Lords):

Jeremy Hunt is obeying the law as established under Labour. At the time of legislation Liberal Democrats campaigned for a much stronger public interest test, which the Labour Government of the time rejected. The media is constantly changing and the Liberal Democrats will continue to look at this issue in our manifesto.

Question 2 from John Brace:

Tuition Fees and the Save our Forests campaign was like watching a train wreck in slow motion. What has and will be done to make sure that:-

- a) In the future the party represents the public's views?
- b) Policy is communicated clearly?

Response from Lorely Burt (Chair of Commons Parliamentary Party):

I admit that the policy presentation has not been great. There is always a disparity of views which need to be addressed. In this particular issue, the Forestry Commission proposal was dropped at the consultation stage.

Supplementary Question:

There is still a need to communicate better, what can be done to improve communication?

Response:

We have a fantastic story to tell and lots of questions to answer. We need to communicate with the public more expressively in non-Liberal Democrat constituencies but MPs and Ministers engaging well with Members and listening to views.

Question 3 from David Wright:

The motion passed by the May 2010 Special Conference included a clause calling for proportional representation for local government elections in England and Wales. What action is the Parliamentary Party planning to progress this?

The clause in question (which was the result of an amendment from Harlow) read:

Conference calls on Liberal Democrat ministers and MPs to seek to include proportional representation for local government elections in England and Wales as a part of the political reform programme of the coalition government.

Response from Lorely Burt (Chair of Commons Parliamentary Party):

Proportional representation locally would be wonderful. It is a good proposal to put forward to the Mid Term review.

Response from Alistair Carmichael MP (Commons Chief Whip):

Scotland already has single transferable vote for local council elections. We will get there eventually.

Supplementary Question:

STV would be simple to implement. I would like a report from the party on voting reform, the progress of STV and AV in local elections and on what is being done on special conference amendments.

Response from Alistair Carmichael MP (Commons Chief Whip):

That is a fair comment. We need to explain why things haven't happened. We will report and keep the party up to speed on progress.

Question 4 from John Brace

I have great respect in Chris Davies as my North West Lib Dem MEP. The public are kept in the dark about what goes on and tend to believe the sensational stories in the press. What can be done to improve this?

Response from Chris Davies MEP (Europe Chief Whip)

Liberal Democrat MEPs have asked themselves the same question many, many times and have not found a satisfactory answer. Our own role is frustratingly limited; in response to a tabloid newspaper's outrageously distorted headline story there is little we can do other than write a letter, which may not be published. In any case, MEPs see their role as being to promote Liberal Democrat principles in their day to day work rather than to act as a PR team for Brussels' institutions that we often consider to be at least as flawed as those in London.

The UK is a member of the European Union because successive governments believe that such membership is in Britain's best interests. If these interests are undermined by a hostile press and negative public perceptions it is surely government that must take the lead in addressing the problem.

My general advice to pro-EU campaigners would be to try and insist that journalists should challenge critics to deal with specifics rather than generalities. We may have different political views about its content but all European legislation can be justified when explained. Critics of Britain's membership of the EU should be forced to explain, for example, how Britain's interests would be strengthened by withdrawal from legislation intended to improve the fuel efficiency of new cars. Too often they are let off the hook about the realities of the EU's work while they spout generalities about Britain "being pushed around."

Question 5 Submitted by Hywel Morgan:

English Council received a report of the FE meeting of 25th October from their FE representative.

It states that at this meeting Nick Clegg was asked: "if any MP who voted against the Coalition proposal on Tuition Fees would be penalised in any way, he [Nick] promised that they would not."

In light of this could the Chief Whip comment on why two PPSs subsequently resigned. Could the Chief Whip also confirm whether any pressure was brought to bear on those two individuals requiring them to resign?

Response from Alistair Carmichael MP (Commons Chief Whip):

Both Mike Crockart and Jenny Willott made separate representations to me regarding their position as PPSs, having concluded that they did not believe that the way they intended to vote was compatible with their obligations as PPSs under the ministerial

code of conduct. I accepted that point of view and accepted their resignations accordingly.

Question 6 Submitted by Hywel Morgan:

Could the Chief Whip confirm whether all MPs made a contribution to the Party from their Parliamentary salaries as is required of local councillors. If not what steps are being taken to address this?

Could the European Parliamentary Party confirm whether all MEPs made a contribution to the Party from their Parliamentary salaries as is required of local councillors? If not what steps are being taken to address this?

Response from Alistair Carmichael MP (Commons Chief Whip)

I am not prepared to go into individual details, but I am content that all MPs make an appropriate contribution to the Party.

The policy papers debated at this conference are available from:

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